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RECEIVED

SEP - 8 2009

AT 8:30 M
WILLIAM T. WALSH
CLERK

Plaintiff(s)

HALL WHITE

v.

Defendant(s)

CITY OF TRENTON, CITY OF TRENTON
POLICE DEPARTMENT, CHIEF OF POLICE
P.O. TIM MILLER, P.O. JOHN S ROSSETTI,
P.O. R. FENNIMORE

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: UNITED STATES DISTRICT COURT
: DISTRICT OF NEW JERSEY
: TRENTON DIVISION

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: Case No.: 06-5177
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: **ORDER TO SEAL MOTION**
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THIS MATTER having come before the Court by way of Certification of Counsel in support of a Motion to seal the Motion for Summary Judgment which is to be filed on September 24, 2009; and

THE COURT NOTING that under L. Civ. R. 5.3 (c)(1), the Court may permit a party to seal, or otherwise restrict public access to, any materials or judicial proceeding upon request by that party by formal motion made pursuant to L. Civ. R. 7.1. Under Local Civil Rule 5.3(c)(2), any motion to seal or otherwise restrict public access shall describe (a) the nature of the materials or proceedings at issue; (b) the legitimate private or public interests which warrant the relief sought; (c) the clearly defined and serious injury that would result if the relief sought is not granted; and (d) why a less restrictive alternative to the relief sought is not available. L. Civ. R. 5.3 (c)(2); and

IT APPEARING to the Court that in the present case, the Motion for Summary Judgment and Rule 56 Factual Submission may set forth personal and private information concerning the Plaintiff and that Plaintiff has a legitimate privacy interest in maintaining confidentiality with respect to his medical records. Furthermore, if documents containing medical records are not sealed, Plaintiff may be injured in that his privilege and privacy concerns with respect to those records may be waived. In addition, the City of Trenton has a statutory duty to maintain the privacy and confidentiality of its Internal Affairs records. Therefore, the Court finds that the facts set forth in L. Civ. R. 5.3 (c)(2) weight in favor of sealing the Motions for Summary Judgment to be submitted in connection with this matter by September 25, 2009.

CONSEQUENTLY, for the reasons set forth above and for good cause having been shown,

IT IS on this *8th* day of September, 2009,

ORDERED that the Motions for Summary Judgment which are scheduled to be filed on September 25, 2009 *those portions of which reference medical information in which Plaintiff has a privacy interest shall be redacted and filed with redactions.* ~~shall be filed under seal until further Order of the Court.~~

[Signature]
 TONIANNE J. BONGIOVANNI
 United States Magistrate Judge

Sept 8, 2009

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The Court will reconsider its Order if any objection or Motion to Intervene in relation to this application is filed.